

## LABOUR DEPARTMENT

The 22nd April, 1977

**No. 2867-4Lab-77/8701.**—In exercise of the powers conferred by sub-section (1) of section 8 of the Sales Promotion Employees (Conditions of Services) Act, 1976, and all other powers enabling him in this behalf, the Governor of Haryana hereby appoints the Labour-Officer-cum-Conciliation Officer, Circle I, Faridabad, Labour Officer-cum-Conciliation Officer, Circle II, Faridabad and Labour Officer-cum-Conciliation Officer, Ballabgarh Circle, Faridabad to be the Inspectors for the purposes of the said Act within the local limits specified against each and hereby makes the following amendment in Haryana Government, Labour Department notification No. 8277-4Lab-76/28531, dated the 18th October, 1976, namely:—

## AMENDMENT

In the said notification for item 9 and 10 and the entries there-against, the following items and entries there-against shall be substituted, namely:—

- |   |   |
|---|---|
| “9. Labour Officer-cum-Conciliation Officer, Circle I, Faridabad.           | Sectors 11 to 15, 15A, 16, 16A, 17 to 21, 27A to 27D, 28 to 37 of Faridabad Complex.  |
| 10. Labour Officer-cum-Conciliation Officer, Circle II, Faridabad.          | Neighbourhood 1 to 5, Press Colony, Punjabi Colony, Sector 24 and Industrial Area, Faridabad N.I.T.   |
| 10A. Labour Officer-cum-Conciliation Officer, Ballabgarh Circle, Faridabad. | Sectors 1 to 10, 22, 23, 25, 26 of Faridabad Complex and the area situated on both sides of Mathura Road from Gedore Tools India Limited towards Ballabgarh to the last octroi post of Ballabgarh and Palwal Sub-Division.” |

The 26th April, 1977

**No. 3980-4Lab-77/10096.**—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workman and the Management of M/s H.T.M. Employees Co-op. Consumer Store Ltd., Hissar.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL, HARYANA, FARIDABAD

Application No. 7 of 1976 under section 33-A of the Industrial Disputes Act, 1947

*between*

SHRI BHAGWAN DASS WORKMAN AND THE MANAGEMENT OF M/S H. T. M.  
EMPLOYEES CO-OP., CONSUMER STORE LTD., HISSAR

*Present*

Shri Richpal Singh for the workman.

Shri N. K. Garg for the management.

## AWARD

The workman Shri Bhagwan Dass filed a complaint under section 33-A of the Industrial Disputes Act, 1947, alleging that during the pendency of an industrial dispute reference Nos. 40 and 102 of 1975 the management changed the condition of his service by suspending him for six days. He prayed that the action be taken against the management.

Notices were issued to the parties. The parties appeared and putting their pleading. On the pleading of the parties, the following issues were framed on 4th November, 1976 and the case was fixed for the evidence of the workman. The case was once or twice adjourned on the request of the workman. It was fixed on 22nd February, 1977. On 22nd February, 1977 a compromise was reached between the parties. According to the compromise, the workman's representative stated that in case the management paid to the workman Rs. 30 only, the workman on the receipt of the said amount shall be deemed to have withdrawn from the said complaint and the same be dismissed as withdrawn. The management agreed to that.

In view of the compromise, I give my award as follows :—

- (1) That the management is liable to pay Rs. 30 only to the workman concerned.

- (2) That on receipt of the said amount of Rs. 30 by the workman from the management, his complaint shall stand dismissed.

Dated the 31st March, 1977.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 354, dated the 31st March, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 3087-4Lab-77/10098.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana Faridabad, in respect of the dispute between the workman and the management of M/s Kirloskar Oil Engines Ltd., 25th Kilometer Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,  
FARIDABAD

Reference No. 76 of 1974

between

SHRI R.N. SHARMA WORKMAN AND THE MANAGEMENT OF M/S KIRLOSKAR OIL ENGINES  
LTD., 25TH KILOMETER MATHURA ROAD, FARIDABAD

Present :

Shri R. N. Roy for the workman.

Shri S. L. Gupta for the management.

#### AWARD

By order No. ID/15369, dated 3rd June, 1974 the Governor of Haryana referred the following dispute between the management of M/s Kirloskar Oil Engines Ltd., 25th Kilometer, Mathura Road, Faridabad and its workman Shri R.N. Sharma, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri R.N. Sharma was justified and in order ? If not, to what relief is he entitled?

On receipt of the reference, notices were issued to the parties. The parties appeared and put in their pleadings. On the pleadings of the parties, the following issues were framed by my learned predecessor, on 26th December, 1974 :—

- (1) Whether the demand the subject-matter of the present reference was first raised by the management and rejected by it before taking up the matter for conciliation ? If not, with what effect ? (on workman)
- (2) Whether the termination of services of Shri R.N. Sharma was justified and in order ? If not, to what relief is he entitled?

The case was then fixed for the evidence of the parties. The parties has closed their case and the case was then fixed for arguments. At this stage the parties reached a settlement. The terms and conditions of the settlement dated 10th March, 1977 are as follows :—

- (1) That the management shall pay to me full wages upto the date of my dismissal.
- (2) That the management shall also pay to me 1½ months wages as notice period wages.
- (3) That the management shall also pay to me a sum of Rs 2,000 only in addition to the abovesaid three amounts for consideration that I shall have no claim to reinstatement or re-employment.
- (4) That I shall be treated as retrenched on the date of dismissal, but will not be entitled to claim notice wage of one month as is provided in retrenchment cases.
- (5) That the management shall pay to me all other dues as admissible under law such as earned wages, wages against earned leave, bonus and gratuity as admissible according to law and as paid to other employees. If on or prior to the date of dismissal any annual increment is found to have accrued to me as per the rules of the company or as per law, the same will also be paid as other dues.
- (6) On receipt of the amount as said above, I shall have no claim whatsoever of any kind from and against the company. This settlement settles every dispute.

The factory of the management has been closed and in these circumstances, I think that the settlement is fair and genuine. I give my award as follows :—

- (1) That the management shall pay to the workman full wages upto the date of dismissal.

- (2) That the management shall also pay to the workman 1½ months wages as notice period wages.
- (3) That the management shall also pay to him a sum of Rs 2,000 only in addition to the abovesaid amount for consideration that he shall have no claim to reinstatement or re-employment.
- (4) That the workman shall be treated as retrenched on the date of dismissal, but will not be entitled to claim notice wage of one month as is provided in retrenchment cases.
- (5) That the management shall pay to the workman all other dues as admissible under law such as earned wages, wage against earned leave, bonus and gratuity as admissible according to law and as paid to other employees. If on or prior to the date of dismissal any annual increment is found to have accrued to the workman as per the rules of the company or as per law, the same will also be paid as other dues.
- (6) On receipt of the amount as said above, the workman shall have no claim whatsoever of any kind from and against the company, this settlement settles every dispute.

The payment of the agreed amount has been paid to the workman before this Tribunal and the workman has accepted the payment in full and final settlement of all his dues, claims and rights whatsoever.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Dated the 31st March, 1977.

No. 369, dated the 31st March, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Dated the 31st March, 1977.

No. 3095-4Lab-77/10100.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Bharat Steel Tubes Limited, Ganaur (Sonepat)

BEFORE SHRI NATUH RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 45 of 1974

between

The workmen and the management of M/s Bharat Steel Tubes Limited, Ganaur (Sonepat)

Present :

Shri J.P. Sharma, President, B.S.T. Karamchari Union.

Shri Sat Bir Singh, General Secretary, Karamchari Union.

Shri Som Nath, Vice-President, B.S.T. Mazdoor Sabha.

Shri Mata Parshad Yadav, General Secretary, B.S.T. Mazdoor Sabha.

Shri J.P. Jain for the management.

#### AWARD

By order No. ID/2, dated 3rd April, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Bharat Steel Tubes Limited, Ganaur (Sonepat) and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

1. Whether every worker should be given five increments in his grade ?
2. Whether the existing incentive bonus scheme need to be revised ? If so, with what details ?
3. Whether the laid off workers are entitled to full wages for the period of lay off and also whether the management be required to instal a Generator ? If so, with what details ?
4. Whether the workers should be given 30 days earned leave with wages in a year and whether the period of sick leave should be considered for the purpose of ascertaining earned leaves If so, with what details ?
5. Whether all the workers should be supplied four summer uniforms, two pair of shoes and one winter uniform after every three years ? If so, with what details ?
6. Whether the workers should be paid washing allowance @ Rs 10 per month ?
7. Whether the workers coming on bicycles to the factory should be given cycle allowance of Rs 20 per month ? If so, with what details ?

8. Whether the helpers-cum-viewers should be categorised as skilled workmen and paid accordingly ? If so, with what details ?
9. Whether the workmen working in galvanising Department should be given one kilogram of milk each every day and an allowance ranging between Rs 50 to Rs 90 per month ? If so, with what details ?
10. Whether the workmen working in the night shift should be given night allowance @ Rs 1 per day and also free tea ? If so, with what details ?

On receipt of the reference, notices were issued to the parties. The parties appeared and put in their pleadings. On the pleadings of the parties, the following issues were framed by my learned predecessor on 16th September, 1975 : —

- (1) Whether the terms of reference do not constitute an industrial dispute and as such the reference is not maintainable ?
- (2) Whether terms of reference No. 1 is legally barred under a settlement dated 18th January, 1974 alleged to have been arrived at between the workmen and the management ?
- (3) Whether the workmen entered into settlements with the management from time to time in respect of incentive bonus scheme, if yes, what are the terms thereof and what is their legal fact ?
- (4) Whether the term of reference Nos. 3, 4, 5, 6, 7, 8, 9, 10 are not legally maintainable ?
- (5) Whether every worker should be given five increments in his grade ?
- (6) Whether the existing incentive bonus scheme need to be revised ? If so, with what details ?
- (7) Whether the laid off workers are entitled to full wages for the period of lay off and also whether the management be required to install a Generator ? If so, with what details ?
- (8) Whether the workers should be given 30 days earned leave with wages in a year and whether the period of sick leave should be considered for the purposes of ascertaining earned leaves ? If so, with what details ?
- (9) Whether all the workers should be supplied four summer uniforms, two pair of shoes and one winter uniform after every three years ? If so, with what details ?
- (10) Whether the workers should be paid washing allowance @ Rs 10 per month.
- (11) Whether the workers coming on bicycles to the factory should be given allowance of Rs 20 per month ? If so, with what details ?
- (12) Whether the helpers-cum-viewers should be categorised as skilled workmen and paid accordingly ? If so, with what details ?
- (13) Whether the workmen working in galvanising Department should be given one Kilogram of milk each every day and an allowance ranging between Rs 50 to Rs 90 per month ? If so, with what details ?
- (14) Whether the workmen working in the night shift should be given night allowance @ Rs 1 per day and also free tea ? If so, with what details ?
- (15) Relief ?

The case was fixed for the evidence of the parties. The parties closed their case. Then the case was fixed for arguments. At the time of arguments, a settlement was arrived at between the parties. The settlement is annexure 'A' I have considered the settlement. The settlement is admitted by all the parties. It has been executed by the parties and the execution has been admitted. The management has filed an application praying that award be given on the basis of the settlement. The contents of that application was read over and explained to the parties and their representatives. They admitted its correctness. They admitted the settlement also to be correct. Therefore, the settlement is genuine. It is fair also because the workmen have been granted considerable relief. I, therefore, give my award as per the settlement which is part of the award. The settlement is enclosed herewith. That may also be published being a part of the award. The settlement is annexure 'A'.

Dated the 31st March, 1977.

NATHU RAM SHARMA  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 367, dated the 31st March, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 31st March, 1977.

NATHU RAM SHARMA  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 30852-4Lab-77/10218.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between

the workmen and the management of M/s Bharat Carpets Limited, P. O. Amar Nagar, Faridabad-3 (Industrial Area), Haryana.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 93 of 1976

between

SHRI RAM PAL SHARMA WORKMAN AND THE MANAGEMENT OF M/S BHARAT  
CARPETS LIMITED, P. O. AMAR NAGAR, FARIDABAD-3 (INDUSTRIAL  
AREA), HARYANA

Present :

Shri Sushil Bhattacharia for the workman.

Shri Sudhir Chadha for the management.

#### AWARD

By order No. ID/FD/63-C-76/20315, dated 15th June, 1976, the Governor of Haryana, referred the following dispute between the management of M/s Bharat Carpets Limited, P. O. Amar Nagar, Faridabad-3 (Industrial Area), Haryana and its workman Shri Ram Pal Sharma to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the retrenchment of Shri Ram Pal Sharma was justified and in order? If not, to what relief is he entitled?

On receipt of the reference, notices were issued to the parties. The parties appeared and put in their pleadings. On the pleadings of the parties, the following issues were framed on 10th November, 1976 :—

- (1) Whether the retrenchment of Shri Ram Pal Sharma was justified and in order? If not, to what relief is he entitled?
- (2) Whether Shri Ram Pal Sharma is not a workman?
- (3) Whether Shri Ram Pal Sharma is barred from raising this industrial dispute on account of during clerical duty occasionally incidental to his duties (alleged)?
- (4) Whether this Tribunal has no jurisdiction to proceed and entertained this dispute?

The case was fixed for the evidence of the management. On 8th March, 1977 a settlement was effected between the parties. The settlement is marked X. According to the settlement, the management agreed to pay Rs. 3,500 in addition to what had already been paid to the workman at the time of discharging him from service. This amount of Rs. 3,500 shall include all the dues, disputes and claims of the workman, even in connection with his employment and the workman concerned gave up his claim for reinstatement or future employment with the management. It was further settled that gratuity and bonus shall also be paid to the workman concerned in addition to the above-said sum of Rs 3,500 if the workman concerned is found entitled to as per law.

I, therefore, give my award as follows :—

- (1) That the workman concerned is entitled to receive a sum of Rs. 3,500 from the management which sum includes all his dues and claims except claim to bonus and gratuity.
- (2) That the workman concerned shall be deemed justifiably retrenched on receipt of the above-said sum of Rs. 3,500 only.
- (3) That the workman concerned is not entitled to reinstatement or re-employment by the management.
- (4) That the workman concerned shall be paid gratuity and bonus, in addition to the above-said amount of Rs. 3,500 only, if he is found entitled thereto as per law.

Dated the 31st March, 1977.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 355, dated 31st March, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 31st March, 1977.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

P. P. CAPRIHAN,  
Financial Commissioner & Secy.